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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/327,766	06/07/1999	NANCY ELLMAN	SYMA1039MCF/	5881

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EXAMINER

PARDO, THUY N

ART UNIT PAPER NUMBER

2165

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/327,766

Applicant(s)

ELLMAN ET AL.

Examiner

Thuy Pardo

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 32, 33, 35-40 and 45-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32, 33, 35-40 and 45-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's RCE and Amendment filed on August 20, 2004 in response to the Examiner's Office Action has been reviewed. Claim 34 has been canceled, claims 32, 36, 39, and 45 have been amended, and claims 41-44 have been withdrawn.

2. Claims 32, 33, 35-40 and 45-56 are presented for examination.

3. The text of those sections of Title 35, U.S. Code § 103 not included in this action can be found in a prior Office Action.

4. Claims 32, 33, 35-40 and 45-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. (Hereinafter "Clark") in view of Boothby US Patent No. 5,684,990.

5. Clark and Boothby were cited as prior art in the last office action. The rejections are respectfully maintained and incorporated by reference as set forth in the last office action.

6. The new limitations added to claims 32, 36, and 39 can be found in claim 34 of the previous action.

7. As to claim 45, Clark and Boothby teach the invention substantially as claimed as specified in the previous action. Clark further teaches a user interface [inherent in the system]

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that prompts a determination whether at least one item of information stored on said first computing device should be synchronized with a second computing device [col. 11, lines 29-34; col. 14, lines 55-65; determining more recent files can be obtained, col. 16, lines 19-23].

Response to Arguments

Applicant argues that neither Clark nor Boothby teach the limitation of “recording a file identification responsive to a modification to a file of said selected file type”.

Examiner respectfully disagrees. Examiner believes that this feature is taught by Boothby. Boothby teaches that the technique for synchronizing disparate databases of different computers is achieved by using unique IDs assigned when a record is created, and the software is able to use the unique IDs to compare the contents of corresponding data records in the two databases [see col. 1, lines 55 to col. 2, lines 4].

Applicant argues that Boothby teaches retrieving records and comparing them. Accordingly, Boothby does not teach “transferring and replacing..., only if its determined that said first date and time is more recent than said second date and time”,

Examiner respectfully disagrees. Examiner believes that this limitation is taught by Clark and Boothby. Clark teaches determining if dates or times are different for particular files and then obtaining the more recent and accurate file [col. 15, lines 59 to col. 16, lines 27, particular col. 16, lines 19-23]. This limitation also can be found in Boothby [col. 2, lines 19-31].

8. Applicant's arguments filed on August 20, 2004 in regard to claims 45-56 have been fully considered but they are not persuasive.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is 571-272-4082. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned as follows:

(703) 872-9306 (Official Communication)

and/or:

571-273-4082 (*Use this Fax#, only after approval by Examiner, for "INFORMAL" or "Draft" communication. Examiner may request that a formal/amendment be faxed directly to then on occasions*).

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

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(703) 308-5359, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington. VA., Sixth Floor (Receptionist).

March 04, 2005

A handwritten signature in black ink, appearing to be 'Thuy N. Pardo', with a stylized, flowing script.

THUY N. PARDO
PRIMARY EXAMINER